THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.14543 of 2007

Date: 13th day of September,2007.

Between:

T.C.S.Gadwal

Petitioner

And

Government of Andhra Pradesh,
rep. by it's Principal Secretary,
Revenue (Excise.II) Department at Secretariat,
Hyderabad and others

Respondents

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W.P.No.14543 of 2007

ORDER:

1. The writ petitioner is a Toddy Tappers Cooperative Society, Gadwal, which has been granted licence for operating 8 shops and one depot. But however, the licence for Shop Nos.1, 4 and 5 was cancelled. Petitioner society carried the matter by way of appeal before the Commissioner of Prohibition and Excise who has rejected its appeal. Consequently, petitioner society filed a revision before the State Government and the State Government entertained the said revision. While revision was thus pending before the State Government, a dispute has cropped up with regard to the payment of rentals. The demand was raised by the department, according to the writ petitioner, for all the shops for which the licences were granted without taking into account and consideration the fact that licence for Shop Nos.1, 4 and 5 have already been cancelled and consequently they are not in operation. This dispute relating to the licence fee payable was engaging the attention of the Commissioner of Prohibition and Excise. But unfortunately, due to a mix-up, the State Government passed orders in G.O.Rt.No.870 Revenue (Excise-II) Department, dated 05-05-2007 deciding the lis relating to the licence fee payable for all the shops. Whereas the revision that was pending before the Government relates to the cancellation of the licence for Shop Nos.1, 4 and 5 and consequently the subject matter of the

revision does not deal with the licence fee at all. The learned Assistant Government Pleader for Prohibition and Excise has fairly stated that the mix-up had occurred and as a result of this, the State Government passed orders dealing with the subject matter which was in fact pending consideration before the Commissioner of Prohibition and Excise. I therefore set-aside the orders passed by the State Government through G.O. Rt. No.870 Revenue (Excise-II) Department, dated 05-05-2007 and remit the matter back for fresh consideration by the State Government . I hope and trust that this time around the State Government will deal with the subject matter of revision relating to the cancellation of the licences for Shop Nos. 1, 4 and 5 of the writ petitioner on it's merits and pass a speaking order after providing an opportunity of hearing to the petitioner.

2. With this, the writ petition is allowed. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

13-09-2007

Stp